

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVID RONALD ECKMYRE,

Petitioner,

Case Number: 06-CV-14178

v.

HONORABLE VICTORIA A. ROBERTS

BLAINE LAFLER,

Respondent.

/

**ORDER DENYING PETITIONER'S REQUEST TO RECONSIDER
MOTION FOR COUNSEL**

Petitioner David Ronald Eckmyre filed a Motion for Appointment of Counsel, which the Court denied on February 1, 2007. Now before the Court is Petitioner's Request to Reconsider Motion for Counsel.

The Local Rules for the Eastern District of Michigan state that in a motion for reconsideration "the movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different a disposition of the case." L.R. 7.1(g)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest or plain. Marketing Displays, Inc. v. Traffix Devices, Inc., 971 F. Supp. 262, 278 (E.D. Mich. 1997), *citing* Webster's New World Dictionary 974 (3rd Ed. 1988). Further, the Local Rules also provide that any "motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication," shall not be granted. L.R. 7.1(g)(3).

Petitioner has not demonstrated that a palpable defect occurred in this Court's decision denying the appointment of counsel. Therefore, this Court shall deny Petitioner's Request to

Reconsider for failing to demonstrate a palpable defect which, if corrected, would result in a different disposition of the motion.

Accordingly, **IT IS ORDERED** that Petitioner's Request to Reconsider Motion for Counsel [dkt. # 11] is **DENIED**.

s/Victoria A. Roberts

Victoria A. Roberts
United States District Judge

Dated: February 19, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se petitioner by electronic means or U.S. Mail on February 19, 2008.

s/Carol A. Pinegar
Deputy Clerk